

REMARKS

Claims 1-20 are pending in the application and stand rejected.

Objections to the claims

Claims 4-5, 7-8, 10-11 and 19 are objected to for containing certain informalities. Applicants have amended these claims to address the Examiner's objections. Kindly note that "grounded element" has been amended to "parasitic element."

Rejection under 35 U.S.C §103

Claims 1, 6-9 and 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,208,311 to Reece et al. in view of U.S. Pat. No. 5,389,937 to Kaloi. In particular, the Examiner finds that Reece discloses all elements of claim 1 with the exception of a planar conductive member/patch adapted to function as a signal feed for the antenna, but that Kaloi "discloses a conductive member 20 (see crossed section) adapted to function as a signal feed for the antenna (via inner conductor 19, see abstract) and the conductive member is electrically coupled to the feed connector 18." The Examiner then opines that "[i]t would have been obvious to provide Reece et al with the conductive member/patch adapted to function as a signal feed for the antenna, and the conductive member is electrically coupled to the feed connector for the purpose of obtaining wide bandwidth operation." Applicants have reviewed the two references with care, paying particular attention to the passages and figures cited to by the Examiner, and are compelled to respectfully disagree with the Examiner's interpretation of these references and with the conclusions that the skilled person would be motivated to combine these references, that these references may indeed be combined, and that the result of any such combination reads upon the instant claims.

For instance, and with particularity, there is absolutely no teaching or suggestion in Kaloi of a *planar* conductive member adapted to function as a signal feed for the antenna (emphasis added). The Examiner directs us to "conductive member 20 (see crossed section)" in Kaloi as purportedly teaching such a planar conductive member, but it is beyond apparent that conductive

member 20 of Kaloi is not planar, but rather a three-dimensional wedge shape. This reading is reinforced throughout the specification of Kaloi, from the title (“*Wedge Feed System...*”), to the abstract (“microstrip antenna system uses a *special wedge shaped feed...*”), to numerous portions of the detailed description, to each and every single claim. It is virtually impossible to understand Kaloi as teaching a planar conductive member for the antenna feed. Applicants respectfully remind the Examiner of the requirements posited by MPEP 2143.03 that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” (emphasis added) As discussed, such a *prima facie* showing that the cited art teaches a planar conductive member for the antenna feed simply cannot be made in the present case.

Applicants further respectfully remind the Examiner that “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP §2142. The Examiner asserts that the skilled person would have been motivated to combine Reece and Kaloi for the purpose of obtaining wide bandwidth operation. However, there is no such teaching or suggestion anywhere on the face of either Reece or Kaloi, and the Examiner has made no showing that this is indeed present in the knowledge generally available to one of ordinary skill in the art, such as perhaps an Affidavit pursuant to 37 C.F.R. § 1.104(d)(2). Applicants thus respectfully submit that the Examiner’s 103 rejection is not fully in compliance with statutory requirements.

“Second, there must be a reasonable expectation of success... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” MPEP §2142. The Examiner has offered not one single detail as to how exactly the skilled person would go about “providing” the teachings of Kaloi into the system of Reece. The feed of Kaloi is a wedge shaped mass that abuts an entire length of a horizontally-mounted antenna strip. The monopole antenna of Reece extends vertically away from the support. How does the Examiner propose to drive the monopole

antenna of Reece with the feed connector of Kaloi? What exactly would their geometric relationship be? Furthermore, as alluded to above, there is nothing in either of these references to even motivate the skilled reader to look to the other reference for improvement, much less anything that can be understood as setting forth a reasonable expectation of success, or a teaching of how to actually make the alleged combination. The antenna and parasitic element of Reece are parallel to one another and extend vertically from the ground plane, whereas in Kaloi they are coplanar with each other and both parallel to the ground plane. There is nothing in either reference that alludes to the possibility of using Kaloi's wedge shaped feed in a configuration like Reese's, much less of why doing so would confer any benefits or for that matter why it would even be functional.

In view of all of the above, Applicants submit that claim 1 is novel, non-obvious, and thus allowable in its present form, and respectfully request the Examiner to reconsider and pass the claim to issue.

Claims 2-20 depend from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicants submit that claims 2-20 are also allowable.

Applicants acknowledge with gratitude the Examiner's indication of allowability as to claims 2-5 and 10-15. However, as set forth above, Applicants submit that all pending claims are in fact allowable.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

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September 27, 2005

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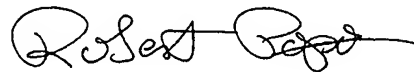


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Respectfully submitted,



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